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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,641	01/07/2002	Shinichi Fujii	15162/04250	6881

24367 7590 03/17/2003

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EXAMINER

VU, NGOC YEN T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/17/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/041,641

Applicant(s)  
Shinichi FUJII et al.

Examiner  
Ngoc-Yen Vu

Art Unit  
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 7, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 ~~is~~ are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 ~~is~~ are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 7, 2002 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The information disclosure statement, filed 01/07/2002, has been placed in the application file, and the information referred to therein has been considered as to the merits.

### *Specification*

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 17-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima (US #6,188,432) in view of Ueno et al. (US #5,625,415).

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Regarding claim 1, Ejima '432 teaches a digital camera comprising:

an image sensor (Fig. 4, CCD 20) for picking up an image of a subject and for generating a subject image (col. 3 line 56 - col. 4 line 42);

a display (Fig. 2, LCD 6) for displaying said subject image generated by said image sensor on a screen (Figs. 9-10; col. 2 line 59 - col. 3 line 17);

a specifying member (Fig. 4, pen 46 and touch tablet 6A) for specifying a specific position on said screen (Fig. 7, 9-10; col. 2 line 59 - col. 3 line 5; col. 4 line 64 - col. 5 line 7; col. 7 line 14 - col. 8 line 65);

an image pickup controller (Fig. 4, CPU 36) for controlling an image pickup operation;

an altering member (Fig. 6) for altering magnification of said subject image displayed on said display (col. 9 line 15 - col. 10 line 62); and

a first specified position controller (Figs. 6-7, line drawing zooming YES/NO - LDZ flag = 1/0) for maintaining a relationship between said subject and said specified position independent of an alteration of magnification carried out by said altering member (Figs. 10A-10B; col. 3 lines 15-30; col. 9 line 15 - col. 11 line 39).

Claim 1 differs from Ejima '432 in that the claim further requires that the image pickup controller controls an image pickup operation based upon said specified position specified by said specifying member. The limitation is well known in the art as shown in Ueno '415. In the same field of endeavor, Ueno '415 teaches a digital camera system (Figs. 1 & 10 camera 10/110) comprising an image sensor (34/126), a display unit (16/116), a specifying member (input unit

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18/118, cursor unit 204/1204) and an image pickup controller (control 38/12/130/138/114). In order to provide high image quality of photographed images having optimum exposure and focus photographic conditions, Ueno '415 further teaches that the image pickup controller controls an image pickup operation (exposure of focusing) based upon said specified position specified by said specifying member (cursor 204/1204) (Figs. 2 & 11A/B) (see col. 7 line 14 - col. 8 line 5; col. 8 line 50 - col. 9 line 11; col. 9 line 30 - col. 10 line 35; col. 11 line 27 - col. 12 line 37; col. 13 line 43 - col. 14 line 54; col. 18 line 1 - col. 19 line 53; col. 20 lines 20-51; col. 25 line 29 - col. 27 line 16). In light of the teaching in Ueno, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image pickup controller of the digital camera taught in Ejima image pickup operations based said specified position specified by said specifying member so as to provide high quality photographed images having optimum exposure and focusing photographic conditions.

As to claims 2-3, Ejima, as modified by Ueno, further teaches an optical image pickup system having a variable focal length (Ejima, Fig. 4, lens 3) (Ueno, Figs. 1 & 10, lens 30/122); wherein said image pickup controller (CPU 36) carries out a focusing operation of said optical image pickup system with respect to said specified position on said screen that has been specifying by said specifying member (Ueno, col. 18 line 1 - col. 19 line 53; col. 20 lines 20-51; col. 25 line 29 - col. 27 line 16), and said altering member alters a focal length of said optical image pickup system (Ejima, col. 9 line 15 - col. 10 line 62).

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As to claim 4, Ejima '432 further teaches said altering member alters said magnification by displaying in an enlarged manner one portion of said subject image generated by said image sensor on said screen of said display (see Figs. 9-10).

As to claim 5, Ejima '432 teaches that the digital camera further comprises a cursor generator for generating a cursor corresponding to said specified position specified by said specifying member, wherein said display composes said cursor and said position of said subject image to display the resulting image on said screen (Figs. 9-10. It is noted that Ejima teaches that any desired line drawing such as text, diagram, or the like can be input using the touch tablet 6A; see col. 7 lines 24-40).

As to claim 6, Ejima, as modified by Ueno, further teaches a photometric circuit for carrying out a photometric operation with respect to a photometric area based upon said specified position (Ueno, Figs. 1-2; area processing unit 208; photometric unit 210 & photographic processing unit 214), wherein in the case when said specified position is located at an edge of said screen, said image pickup controller shifts a center of said photometric area in the center direction of said screen from said specified position (Ueno, col. 1 lines 11-56; col. 2 lines 1-44).

As to claim 7, Ejima, as modified by Ueno, further teaches a photometric circuit for measuring subject luminance (Ueno, Figs. 1-2; area processing unit 208; photometric unit 210 & photographic processing unit 214), wherein said image pickup controller carries out photometric calculations with respect to said specified position on said screen specified by said specifying

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member (Ueno, see col. 7 line 14 - col. 8 line 5; col. 8 line 50 - col. 9 line 11; col. 9 line 30 - col. 10 line 35; col. 11 line 27 - col. 12 line 37; col. 13 line 43 - col. 14 line 54).

As to claim 8, Ejima, as modified by Ueno, further teaches an optical image pickup system having a variable focal length (Ejima, Fig. 4, lens 3) (Ueno, Figs. 1 & 10, lens 30/122); wherein said altering member alters a focal length of said optical image pickup system (Ejima, col. 9 line 15 - col. 10 line 62).

As to claim 9, Ejima teaches that said altering member alters said magnification of said subject image by displaying in an enlarged manner one portion of said subject image generated by said image sensor on said screen of said display (Ejima, Figs. 9-10).

As to claim 10, Ejima teaches a second specified position controller (Figs. 6-7, line drawing zooming NO - LDZ flag = 0) for maintaining a relationship between said screen and said specified position independent of an alteration in said magnification by said altering member (Figs. 10A-10B; col. 10 line 9 - col. 11 line 3; col. 11 lines 13-24); and a selector (Figs. 6-7) for selecting either said first specified position controller or said second specified position controller (col. 9 lines 15-30; col. 11 lines 4-24).

Regarding claim 17, Ejima '432 teaches a digital camera comprising:

an image sensor (Fig. 4, CCD 20) for picking up an image of a subject and for generating a subject image (col. 3 line 56 - col. 4 line 42);

a display (Fig. 2, LCD 6) for displaying said subject image generated by said image sensor on a screen (Figs. 9-10; col. 2 line 59 - col. 3 line 17);

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a specifying member (Fig. 4, pen 46 and touch tablet 6A) for specifying a specific position on said screen (Fig. 7, 9-10; col. 2 line 59 - col. 3 line 5; col. 4 line 64 - col. 5 line 7; col. 7 line 14 - col. 8 line 65);

an image pickup controller (Fig. 4, CPU 36) for controlling an image pickup operation;  
a display controller (CPU 36) for displaying said subject image in an enlarged area containing said specified position specified by said specifying member on said screen in an enlarged manner (Figs. 9A-9B; col. 9 line 15 - col. 10 line 32).

Claim 17 differs from Ejima '432 in that the claim further requires that the image pickup controller carries out a focusing operation based upon said specified position specified by said specifying member. The limitation is well known in the art as shown in Ueno '415. In the same field of endeavor, Ueno '415 teaches a digital camera system (Figs. 1 & 10 camera 10/110) comprising an image sensor (34/126), a display unit (16/116), a specifying member (input unit 18/118, cursor unit 204/1204) and an image pickup controller (control 38/12/130/138/114). In order to provide high image quality of photographed images having optimum exposure and focus photographic conditions, Ueno '415 further teaches that the image pickup controller controls a focusing operation based upon said specified position specified by said specifying member (cursor 204/1204) (Figs. 11A/B) (see col. 7 line 14 - col. 8 line 5; col. 8 line 50 - col. 9 line 11; col. 9 line 30 - col. 10 line 35; col. 11 line 27 - col. 12 line 37; col. 13 line 43 - col. 14 line 54; col. 18 line 1 - col. 19 line 53; col. 20 lines 20-51; col. 25 line 29 - col. 27 line 16). In light of the teaching in Ueno, it would have been obvious to one of ordinary skill in the art at the time the invention was



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made to provide a focusing operation of the digital camera taught in Ejima image pickup operations based said specified position specified by said specifying member so as to provide high quality photographed images having optimum exposure and focusing photographic conditions.

As to claim 18, Ejima teaches that said display controller displays said subject image in an enlarged manner, centered on said specified position (Figs. 10A/10B).

As to claim 19, Ejima teaches that in the case when said subject image, displayed in an enlarged manner, causes an area other than said subject image generated by said image sensor to be displayed on said screen of said display, said display controller displays said area other than said subject image in a specific color (Ejima teaches a color selection switch for selecting a specific color for the line drawing, col. 7 lines 37-40).

As to claim 21, Ejima teaches that in the case when said subject image, displayed in an enlarged manner (see Figs. 9B & 10B), an area other than said subject image generated by said image sensor to be displayed on said screen of said display (see Figs. 9A & 10A, ON/OFF area), said display controller makes an edge of said enlarged area coincident with an edge of said subject image (see Figs. 9B & 10B).

As to claim 22, Ejima teaches a cursor generator for generating a cursor corresponding to said specified position specified by said specifying member (Figs. 9A/9B), and a limiter for limiting a shift of said cursor to said enlarged area by said display controller (It is inherently that a shift of the cursor corresponding to the line drawing taught in Ejima is limited by the dimension of the touch tablet 6A).

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As to claim 23, Ejima teaches a cursor generator for generating a cursor corresponding to said specified position specified by said specifying member, wherein said display controller alters said enlarged area as said cursor shifts (Figs. 9A/9B).

5. Claims 11-12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima '432 in view of Ueno '415, as applied to claims 1, 10 and 17 above, and further in view of Yanker (US #5,187,776).

As to claim 11, the claim differs from Ejima and Ueno in that it further requires said second specified position controller shifts said specified position to a predetermined position within said screen in the case when said second specified position controller is selected by said selector with said specified position being out of said screen of said display by said alteration in said magnification by said altering member. However, it is well known in the art to shift positions of desired line drawings, texts or diagrams to a predetermined position within a screen when a ZOOM function is invoked, as taught in Yanker '776 (Figs. 2-3; see col. 3 lines 6-31; col. 4 line 7 - col. 5 line 63). In light of the teaching from Yanker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Ejima and Ueno by shifting a specified position to a predetermined position within a screen in the case when the specified position being out of the screen due to image magnification alteration so as to provide a camera having a zoom function that centers the magnified portion of an image upon a display cursor.

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As to claim 12, Yanker '776 shows that said predetermined position within said screen is on an edge of said screen or in a vicinity of an edge of said screen (Figs. 2-3).

As to claim 20, Yanker '776 teaches that an original image can be displayed depending upon input from the user (Fig. 3; see col. 1 line 66 - col. 2 line 4; col. 3 lines 13-31; col. 4 lines 7-21).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakaegi (US #5,808,678).

Regarding claim 13, Sakaegi '678 teaches a digital camera (Fig. 1) comprising:

an image sensor (CCD 2) for picking up an image of a subject and for generating a subject image (col. 3 lines 25+);

a display (EVF 19) for displaying said subject image generated by said image sensor on a screen (Figs. 2; see col. 3 lines 52+; col. 4 lines 10+);

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a specifying member (area destination SW 21/23 or cursor movement SW 24) for specifying a specific position on said screen (col. 3 lines 58-63; col. 4 lines 9-33; col. 5 lines 33-59);

a colorimetric circuit (window cut-out circuit 11 and AWB 13) for carrying out colorimetric calculation so as to adjust white balance of said subject image independent of said specified position specified by said specifying member (col. 5 line 60 - col. 6 line 6);

an image pickup controller (system controller 7) for controlling an image pickup operation based upon said specified position specified by said specifying member (col. 5 line 60 - col. 6 line 49).

As to claim 14, Sakaegi teaches an optical image pickup system (zoom sensing optical system 1), wherein said image pickup controller carries out a focusing operation of said optical image pickup system with respect to said specified position on said screen that has been specified by said specifying member (col. 6 lines 7-10).

As to claim 15, Sakaegi teaches a photometric circuit (AE 12) for measuring subject luminance, wherein said image pickup controller carries out photometric calculations with respect to said specified position on said screen that has been specified by said specifying member (col. 5 line 60 - col. 6 line 2).

As to claim 16, Sakaegi teaches the AWB circuit (13) only performs integration of a color-difference signal in the cut-out area (col. 5 line 60 - col. 6 line 2). It is inherently that the colorimetric calculations of the cut-out area (area 202 in Fig. 2C) are independent of the colorimetric calculation of an entire portion of a subject image, i.e., in figure 2A.

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*Conclusion*

7. **Any response to this office action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,

Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ngoc-Yen Vu** whose telephone number is (703) 305-4946. The examiner can normally be reached on Mon - Fri from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

NYV  
03/16/2003

  
**NGOC-YEN VU**  
**PRIMARY EXAMINER**